

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 19 is requested to be cancelled.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 11-18 are now pending in this application.

Rejections Under 35 U.S.C. § 112

Claim 19

In Section 3 of the Office Action, Claim 19 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claim 19 has been cancelled. Applicant respectfully requests withdrawal of the rejection.

Rejections Under 35 U.S.C. § 103

Claims 11-15, and 17

In Section 5 of the Office Action, Claims 11-15 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,019,763 (Ferris) in view of U.S. Patent No. 6,609,477 (White). Applicant respectfully traverses the rejection. Applicant hereby submits a Declaration Under 37 C.F.R. § 1.131 (the “Reisgeis Declaration”) that removes White as a prior art reference.

Exhibit A of the Reisgeis Declaration is the cover page for marketing literature sent to “a dozen dealers” on December 15, 2001 by Rolf Reisgeis. Page 2 of Exhibit A includes a photograph of an already-constructed modular milking parlor. The photograph shows that the parlor includes a rectangular frame base with lateral and longitudinal members forming a front and back side, upright members extending upward from the frame base, and a longitudinal support member attached to the upright members. The photograph also shows the parlor includes a number of milking stations and multiple wheeled carriages connected to the parlor frame. Page 11 of Exhibit A shows 3 photographs that illustrate the adjustability of the mounting wheels such that the wheels can be moved up and down relative to the carriage body.

Accordingly, Applicant respectfully requests withdrawal of the rejection.

Claims 16 and 18

In Section 6 of the Office Action, Claims 16 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ferris and White, and further in view of U.S. Patent No. 6,044,793 (van der Lely). Applicant respectfully traverses the rejection. Applicant submits that in light of the Reisgeis Declaration, White does not qualify as prior art, as discussed above.

Accordingly, Applicant respectfully requests withdrawal of the rejection.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2350. Should no proper payment be enclosed herewith, as by a check

being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2350. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2350.

Respectfully submitted,

By 

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